IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 6050 of 2002
and
CRIMINAL MISC. APPLICATION NO. 6051 OF 2002

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MANHARLAL SHIVLAL SHAH
Versus
STATE OF GUJARAT

Appearance:
MR SAURIN A SHAH for Petitioner in both petitions
MR VM PANCHOLI APP for Respondent No. 1 in both petitions.
MR DK ACHARYA for Respondent No. 2 in both petitions

CORAM : HON'BLE MR.JUSTICE A.M.KAPADIA

Date of decision: 02/08/2004

COMMON ORAL JUDGEMENT

1. By filing both these petitions, petitioners have prayed to quash and set aside Criminal Case Nos.1207 of 2002 and 1321 of 2002 pending before the learned Chief Judicial Magistrate, Palanpur which have been initiated by respondent No.2/ original complainant in both these petitions.

2. At the time of hearing of these petitions, Mr. Saurin A. Shah, learned advocate of the petitioners and Mr. D.K. Acharya, learned advocate of respondent No.2/original complainant in both the petitions, jointly submitted that an amicable settlement has been arrived at between the parties and pursuant thereto they have put the settlement in writing by way of memorandum of understanding bearing signature of (i) the petitioner in both petitions, (ii) Mr. Saurin A. Shah, learned advocate of the petitioners in both petitions and (iii) signatures of Mr. D.K. Acharya, learned advocate of respondent No.2 in both the petitions and as per the terms and conditions set out in the memorandum of understanding all the parties have agreed to act upon the said terms and conditions.

3. Mr. Saurin A. Shah, learned advocate of the petitioner, in both the petitions, urged that appropriate orders may be passed in both these petitions as in view of the settlement arrived at between the petitioner and respondent No.2 now nothing survives before this Court in both these matters. Mr. DK Acharya, learned advocate of respondent No.2 in both petitions has also no objection if appropriate orders are passed. Mr. V.M. Pancholi, learned APP has also endorsed the said statement and urged that in a private complaint since the matters have been amicably settled in a compoundable offence, appropriate orders may be passed.

4. In view of the aforesaid state of affairs, both these petitions deserve to be disposed of as now nothing survives before this Court in the present proceedings by directing the parties to act as per the terms and conditions set out in the memorandum of understanding.

5. Therefore, both the petitions are now disposed of as nothing survives before this court. The parties are directed to act as per the terms and conditions set out in the memorandum of understanding.

6. Rule is discharged. Interim relief stands vacated.

7. The Memorandum of understanding signed by the

petitioners, Mr. Saurin A. Shah, learned advocate of petitioners, and Mr. D.K. Acharya, learned advocate of respondent No.2 shall be retained on the record of these cases.

(A.M. Kapadia, J.)

(karan)